



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

**Solicitation**

NUMBER
COR61603

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
TARA LYLE
304-558-2544

RFQ COPY
TYPE NAME/ADDRESS HERE
Nitro Electric Company Inc.
4300 1st. Avenue
Nitro, WV 25143

SHIP TO
DENMAR CORRECTIONAL CENTER
HC-64, BOX 125
DENMAR ROAD
HILLSBORO, WV
24946

DATE PRINTED
03/27/2014

BID OPENING DATE: 05/07/2014 BID OPENING TIME 1:30PM

LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	JB		968-42		
<p>*****            PLEASE NOTE A MANDATORY PRE-BID MEETING IS SCHEDULED FOR 04/24/2014 AT 10:00 AM AT THE DENMAR CORRECTIONAL CENTER LOCATED AT 4319 DENMAR ROAD HILLSBORO, WV 24946. VENDORS SHOULD PRE-REGISTER PRIOR TO THE MEETING WITH PHILIP FARLEY AT 304-549-1050 OR BY EMAIL AT PHILIP.K.FARLEY@WV.GOV.            *****            PLEASE NOTE: THE DRUG FREE WORKPLACE AFFIDAVIT AND BID BOND ARE REQUIRED WITH BID SUBMISSION.            *****</p> <p>REMOVE AND INSTALL NEW EMERGENCY POWER SYSTEM</p> <p>THE WEST VIRGINIA PURCHASING DIVISION FOR THE AGENCY, WV DIVISION OF CORRECTIONS - DENMAR CORRECTIONAL CENTER, IS SOLICITING BIDS TO REMOVE THE EXISTING EMERGENCY POWER SYSTEM AND INSTALL A NEW EMERGENCY POWER SYSTEM AT THE DENMAR CORRECTIONAL CENTER LOCATED AT 4319 DENMAR ROAD HILLSBORO, WV 24946, PER THE ATTACHED SPECIFICATIONS.</p> <p>ATTACHMENTS INCLUDE:            05/08/14 12:54:40PM            West Virginia Purchasing Division</p>						

SIGNATURE <i>[Signature]</i>	TELEPHONE 304-204-1500	DATE 5/08/2014
TITLE Vice President	FEIN 20 8844160	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO SOLICITATION, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



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VENDOR

DENMAR CORRECTIONAL CENTER

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LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
1.				INSTRUCTIONS TO VENDORS SUBMITTING BIDS		
2.				GENERAL TERMS AND CONDITIONS		
3.				ADDITIONAL TERMS AND CONDITIONS (CONSTRUCTION CONTRACTS ONLY)		
4.				COR61603 SPECIFICATIONS		
5.				CERTIFICATION AND SIGNATURE PAGE		
6.				PURCHASING AFFIDAVIT		
7.				DRUG-FREE WORKPLACE AFFIDAVIT		
8.				BID BOND INSTRUCTIONS AND FORM		
9.				WV-75-CONSTRUCTION BID SUBMISSION REVIEW FORM		
<p>THE MODEL/BRAND/SPECIFICATIONS NAMED HEREIN ESTABLISH THE ACCEPTABLE LEVEL OF QUALITY ONLY AND ARE NOT INTENDED TO REFLECT A PREFERENCE OR FAVOR ANY PARTICULAR BRAND OR VENDOR. VENDORS WHO ARE BIDDING ALTERNATES SHOULD SO STATE AND INCLUDE PERTINENT LITERATURE AND SPECIFICATIONS. FAILURE TO PROVIDE INFORMATION FOR ANY ALTERNATES MAY BE GROUNDS FOR REJECTION OF THE BID. THE STATE RESERVES THE RIGHT TO WAIVE MINOR IRREGULARITIES IN BIDS OR SPECIFICATIONS IN ACCORDANCE WITH SECTION 148-1-4(F) OF THE WEST VIRGINIA LEGISLATIVE RULES AND REGULATIONS.</p>						
***** THIS IS THE END OF RFQ COR61603 ***** TOTAL:						\$437,000.00

SIGNATURE <i>[Signature]</i>	TELEPHONE 304-204-1500	DATE 5/08/2014
TITLE Vice President	FEIN 20 8844160	ADDRESS CHANGES TO BE NOTED ABOVE

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RFQ # COR61603

**ALL LABOR, MATERIALS, EQUIPMENT, AND SUPPLIES NECESSARY TO  
INSTALL NEW EMERGENCY POWER SYSTEM AND REMOVE EXISTING SYSTEM**

**DENMAR CORRECTIONAL CENTER**

**POCAHONTAS COUNTY**

**BID FORM**

Bidder's Company Name:

Nitro Electric Company Inc.

Bidder's Address:

4300 1st. Avenue

Nitro, WV 25143

Remittance Address (If different):

Phone Number: 304-204-1500

Fax Number: 304-204-1350

Email Address: bward@nitro-electric.com

WV Contractor's License Number: WV042601

We, the undersigned, hereby propose to furnish all materials, equipment, and labor to complete all work in a workmanlike manner, as described in the Bidding Documents.

CONTRACT BASE BID: Four Hundred Thirty Seven Thousand and no cents

(\$ 437,000.00 ) (Contract base bid to be written in words and numbers.)

000057

RESPECTFULLY SUBMITTED:

DATE: 5/08/2014

WV VENDOR NO.: 709060507

CONTRACTOR LICENSE NO.: WV042601

BY:   
(SIGNATURE, IN INK)

TITLE: Vice President

FIRM NAME: Nitro Electric Company Inc. (CORPORATE SEAL  
IF APPLICABLE)

ADDRESS: 4300 1st. Avenue, Nitro, WV 25143

END OF BID FORM

RFQ No. COR61603

STATE OF WEST VIRGINIA  
Purchasing Division

**PURCHASING AFFIDAVIT**

**MANDATE:** Under W. Va. Code §5A-3-10a, no contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and: (1) the debt owed is an amount greater than one thousand dollars in the aggregate; or (2) the debtor is in employer default.

**EXCEPTION:** The prohibition listed above does not apply where a vendor has contested any tax administered pursuant to chapter eleven of the W. Va. Code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

**DEFINITIONS:**

**"Debt"** means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

**"Employer default"** means having an outstanding balance or liability to the old fund or to the uninsured employers' fund or being in policy default, as defined in W. Va. Code § 23-2c-2, failure to maintain mandatory workers' compensation coverage, or failure to fully meet its obligations as a workers' compensation self-insured employer. An employer is not in employer default if it has entered into a repayment agreement with the Insurance Commissioner and remains in compliance with the obligations under the repayment agreement.

**"Related party"** means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceeds five percent of the total contract amount.

**AFFIRMATION:** By signing this form, the vendor's authorized signer affirms and acknowledges under penalty of law for false swearing (W. Va. Code §61-5-3) that neither vendor nor any related party owe a debt as defined above and that neither vendor nor any related party are in employer default as defined above, unless the debt or employer default is permitted under the exception above.

**WITNESS THE FOLLOWING SIGNATURE:**

Vendor's Name: Nitro Electric Company Inc.

Authorized Signature: *Bruce W...* Date: 5/08/2014

State of West Virginia

County of Putnam, to-wit:

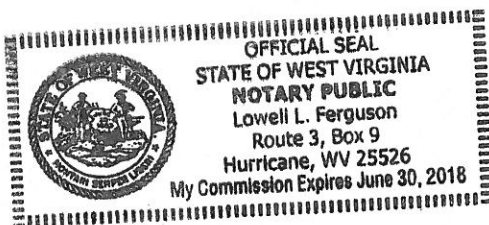
Taken, subscribed, and sworn to before me this 8th day of May, 2014.

My Commission expires June 30, 2018.

**AFFIX SEAL HERE**

**NOTARY PUBLIC**

*Lowell L. Ferguson*  
Purchasing Affidavit (Revised 07/01/2012)





**State of West Virginia  
DRUG FREE WORKPLACE CONFORMANCE AFFIDAVIT  
West Virginia Code §21-1D-5**

**STATE OF WEST VIRGINIA,**

**COUNTY OF Putnam, TO-WIT:**

I, Cindi Lester, after being first duly sworn, depose and state as follows:

1. I am an employee of Nitro Electric Company, Inc.; and,  
(Company Name)
2. I do hereby attest that Nitro Electric Company, Inc.  
(Company Name)


maintains a valid written drug free workplace policy and that such policy is in compliance with **West Virginia Code §21-1D.**

The above statements are sworn to under the penalty of perjury.

By: *Cindi Lester*  
 Title: Corporate Safety Director  
 Company Name: Nitro Electric Company Inc.  
 Date: 5/08/2014

Taken, subscribed and sworn to before me this 8th day of May, 2014.

By Commission expires June 30, 2018

(Seal)  OFFICIAL SEAL  
 STATE OF WEST VIRGINIA  
 NOTARY PUBLIC  
 Lowell L. Ferguson  
 Route 3, Box 9  
 Hurricane, WV 25526  
 My Commission Expires June 30, 2018

*Lowell L. Ferguson*  
 (Notary Public)

**THIS AFFIDAVIT MUST BE SUBMITTED WITH THE BID IN ORDER TO COMPLY WITH WV CODE PROVISIONS. FAILURE TO INCLUDE THE AFFIDAVIT WITH THE BID SHALL RESULT IN DISQUALIFICATION OF THE BID.**

**ADDITIONAL TERMS AND CONDITIONS (Construction Contracts Only)**

1. **CONTRACTOR'S LICENSE:** West Virginia Code § 21-11-2 requires that all persons desiring to perform contracting work in this state be licensed. The West Virginia Contractors Licensing Board is empowered to issue the contractor's license. Applications for a contractor's license may be made by contacting the West Virginia Division of Labor.

West Virginia Code § 21-11-11 requires any prospective Vendor to include the contractor's license number on its bid. Failure to include a contractor's license number on the bid shall result in Vendor's bid being disqualified. Vendors should include a contractor's license number in the space provided below.

**Contractor's Name:** Nitro Electric Company Inc.

**Contractor's License No.** WV042601

The apparent successful Vendor must furnish a copy of its contractor's license prior to the issuance of a purchase order/contract.

2. **DRUG-FREE WORKPLACE AFFIDAVIT:** W. Va. Code § 21-1D-5 provides that any solicitation for a public improvement contract requires each Vendor that submits a bid for the work to submit at the same time an affidavit that the Vendor has a written plan for a drug-free workplace policy. To comply with this law, Vendor must either complete the enclosed drug-free workplace affidavit and submit the same with its bid or complete a similar affidavit that fulfills all of the requirements of the applicable code. Failure to submit the signed and notarized drug-free workplace affidavit or a similar affidavit that fully complies with the requirements of the applicable code, with the bid shall result in disqualification of Vendor's bid.

**2.1 DRUG-FREE WORKPLACE POLICY:** Pursuant to W. Va. Code § 21-1D-4, Vendor and its subcontractors must implement and maintain a written drug-free workplace policy that complies with said article.

The awarding public authority may cancel this contract if: (1) Vendor fails to implement and maintain a written drug-free workplace policy described in the preceding paragraph, (2) Vendor fails to provide information regarding implementation of its drug-free workplace policy at the request of the public authority; or (3) Vendor provides to the public authority false information regarding the contractor's drug-free workplace policy.

3. **DRUG FREE WORKPLACE REPORT:** Pursuant to W. Va. Code § 21-1D-7b, no less than once per year, or upon completion of the project, every contractor shall provide a certified report to the public authority which let the contract. For contracts over \$25,000, the public authority shall be the West Virginia Purchasing Division. For contracts of \$25,000 or less, the public authority shall be the agency issuing the contract. The report shall include:





Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25306-0130

WV PURCHASING ACA SECT Fax 304-558-4115

May 1 2014 04:20pm P001/009

COR61603

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
				ADDENDUM NO. 1		
				SEE ATTACHED PAGES.		
				END OF ADDENDUM NO. 1		
G001	1	JB		968-42		
				REMOVE AND INSTALL NEW EMERGENCY POWER SYSTEM		
***** THIS IS THE END OF RFQ COR61603 ***** TOTAL:						\$437,000.00

Post-It® Fax Note 7671

Date:	5/1/14	# of pages:	9
To:	COR61603 Vendor		
From:	T. Lyle		
Co./Dept.:			
Phone #:			
Fax #:			

SIGNATURE: *[Signature]* TELEPHONE: 304-204-1500 DATE: 05/08/2014  
 TITLE: Vice President FEIN: 20 8844160 ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO SOLICITATION, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'







May 8, 2014

State of West Virginia  
Dept of Administration  
Purchasing Division  
2019 Washington St East  
PO Box 50130  
Charleston WV 25305

Attention: Tara Lyle

Reference: Denmark Correctional Center, NECO Estimate #14-076.  
Solicitation #COR61603.

Dear Tara,

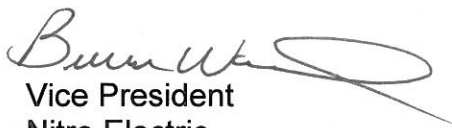
We appreciate the opportunity to provide a proposal for this project.

We propose to furnish labor, material, tools, equipment and supervision to perform the electrical work on the above referenced project for our firm lump sum price of (\$437,000.00), Four Hundred Thirty Seven Thousand and 00/100 Dollars. Please see the following clarifications and bid forms that apply to this proposal.

If you have any questions please call me at (304) 204-1500.

Sincerely,

Bruce Ward



Vice President  
Nitro Electric

BW/sw



### **Clarifications**

- Proposal pricing valid for 60 days.
- We have received addendum #1.
- Proposal based upon working straight time, day shift, 40 hours per week.
- Proposal based upon the annunciation panel to be installed near the main entrance.
- Proposal does not include any rock excavation or other underground obstructions.
- Proposal based upon using cooper power systems transformers, their clarifications follow below, and apply to this proposal.
- Clarification & Exceptions to Specification 16462 Pages 35 – 39
- Part 2.2.D.6 Tank Cover  
Due to the size of the tank, this unit is only available with a bolted cover.
- Part 2.2.D.10 Arrester Rating  
We have included the arrester rated as 18 KV.
- Part 2.2.D.18 Fusing  
Cooper shall provide an internal fuse system consisting of a "Bay-o-net" withdrawable expulsion fuse in series with an under oil current limiting back up fuse in lieu of a drywell load break canister fuse. Reference Cooper document R210-80-1 for the benefits of this fuse system over the canister fuse.

# CONTRACTOR LICENSE

Authorized by the

**West Virginia Contractor Licensing Board**

**Number:** WV042601

**Classification:**

ELECTRICAL  
HEATING, VENTILATING & COOLING  
PIPING

NITRO ELECTRIC COMPANY INC  
DBA NITRO MECHANICAL SERVICES  
4300 1ST AVE #2  
NITRO, WV 25143-1001

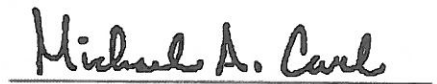
**Date Issued**

JUNE 13, 2013

**Expiration Date**

JUNE 13, 2014

  
Authorized Company Signature

  
Chair, West Virginia Contractor  
Licensing Board

**WEST VIRGINIA  
CONTRACTOR  
LICENSING  
BOARD**

This license, or a copy thereof, must be posted in a conspicuous place at every construction site where work is being performed. This license number must appear in all advertisements, on all bid submissions and on all fully executed and binding contracts. This license cannot be assigned or transferred by licensee. Issued under provisions of West Virginia Code, Chapter 21, Article 11.

**BID BOND**

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Nitro Electric Company, Inc.  
of Nitro, WV, as Principal, and Philadelphia Indemnity Insurance Company  
of Bala Cynwyd, PA, a corporation organized and existing under the laws of the State of  
PA with its principal office in the City of Bala Cynwyd, as Surety, are held and firmly bound unto the State  
of West Virginia, as Obligee, in the penal sum of Five Percent of Amount Bid (\$ 5%) for the payment of which,  
well and truly to be made, we jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns.

The Condition of the above obligation is such that whereas the Principal has submitted to the Purchasing Section of the  
Department of Administration a certain bid or proposal, attached hereto and made a part hereof, to enter into a contract in writing for  
Denmar Correctional Center

**NOW THEREFORE,**

(a) If said bid shall be rejected, or  
(b) If said bid shall be accepted and the Principal shall enter into a contract in accordance with the bid or proposal attached  
herelo and shall furnish any other bonds and insurance required by the bid or proposal, and shall in all other respects perform the  
agreement created by the acceptance of said bid, then this obligation shall be null and void, otherwise this obligation shall remain in full  
force and effect. It is expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event,  
exceed the penal amount of this obligation as herein stated.

The Surety, for the value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no  
way impaired or affected by any extension of the time within which the Obligee may accept such bid, and said Surety does hereby  
waive notice of any such extension.

IN WITNESS WHEREOF, Principal and Surety have hereunto set their hands and seals, and such of them as are corporations  
have caused their corporate seals to be affixed hereunto and these presents to be signed by their proper officers, this  
8th day of May, 2014.

Principal Corporate Seal

Nitro Electric Company, Inc.  
(Name of Principal)  
By: [Signature]  
(Must be President or  
Vice President)  
[Signature]  
(Title)

Surety Corporate Seal

Philadelphia Indemnity Insurance Company  
(Name of Surety)  
By: [Signature]  
Kimberly S. Burdette, Licensed WV Resident Agent Attorney-in-Fact

**IMPORTANT – Surety executing bonds must be licensed in West Virginia to transact surety insurance. Corporate seals must be affixed,  
and a power of attorney must be attached.**

PHILADELPHIA INDEMNITY INSURANCE COMPANY  
One Bala Plaza, Suite 100  
Bala Cynwyd, PA 19004  
Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: that PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint: Douglas P. Taylor, Andrew K. Teeter, Kimberly L. Miles and Kimberly S. Burdette of Wells Fargo Insurance Services of WV, Inc.

Its true and lawful Attorney(s) in fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$25,000,000.00

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY at a meeting duly called the 1<sup>st</sup> day of July, 2011.

**RESOLVED:** That the Board of Directors hereby authorizes the President or any Vice President of the Company to: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER RESOLVED:** That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with the respect to any bond or undertaking to which it is attached.

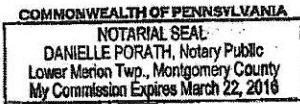
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 7<sup>TH</sup> DAY OF FEBRUARY 2013.



(Seal)

Robert D. O'Leary Jr., President & CEO  
Philadelphia Indemnity Insurance Company

On this 7<sup>th</sup> day of February 2013, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the PHILADELPHIA INDEMNITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



Notary Public:

residing at:

Bala Cynwyd, PA

(Notary Seal)

My commission expires:

March 22, 2016

I, Craig P. Keller, Executive Vice President, Chief Financial Officer and Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 8th day of May, 2014.



Craig P. Keller, Executive Vice President, Chief Financial Officer & Secretary  
PHILADELPHIA INDEMNITY INSURANCE COMPANY